

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

John N. Schmidt,

Civil 10-706 DSD/FLN

Plaintiff,

v.

O R D E R

Michael J. Astrue, Commissioner
of Social Security,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated May 25, 2011, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's motion for summary judgment [#16] is DENIED;
2. Defendant's motion for summary judgment [#23] is GRANTED;
3. The Commissioner's decision is AFFIRMED and the case is DISMISSED

WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: June 10, 2011.
at Minneapolis, Minnesota

s/David S. Doty
DAVID S. DOTY, Judge
United States District Court